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Message Text

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16
ACTION NEA-10

INFO OCT-01 ISO-00 XMB-02 EB-07 L-03 AID-05 TRSE-00 JUSE-00

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FM AMEMBASSY DAMASCUS
TO SECSTATE WASHDC 4142

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STATE PASS EXIMBANK

EO 11652: N/A
TAGS: EFIN, SY, US
SUBJECT: EXIMBANK CLAIM

REF: STATE 169117

1. RE EXIMBANK CONSIDERATION OF FILING SYRIAN COURT CASE AGAINST BOUSTANI ESTATE, EMBASSY HAS CONSULTED INFORMALLY WITH WELL-KNOWN SYRIAN LAWYER HAZEM K. JAZZAR, WHO IS PARTNER WITH ZOUHEIR AL-MIDANY (PRES. OF SYRIAN BAR ASSOCIATION AND LAWYER OF COMMERCIAL BANK OF SYRIA). JAZZAR SAID USUAL LEGAL PRACTICE IN SYRIA DIVIDES COSTS FOR FILING CLAIMS CASE INTO A) EXPENSES, AND B) LAWYER'S FEE. HE ESTIMATED EXPENSES FOR CASE PREPARATION, REQUIRED GOVERNMENT STAMPS, ADMINISTRATIVE EXPENSES, ETC., AT NO MORE THAN L.S. 3,000 ($822 AT $1.00/L.S. 3.65). ON LAWYER'S FEE, JAZZAR SAID THERE ARE NO WRITTEN RULES AND COMMON PRACTICE IF FOR CLAIMANT AND LAWYER TO AGREE ON PERCENTAGE OF CLAIM AWARD THAT LAWYER WOULD RECEIVE UPON SUCCESSFUL RULING ON CLAIMS CASE. SUCH PERCENTAGE CAN RUN FROM 10 UP TO 50 PERCENT OF AWARD. GIVEN BRIEF OUTLINE OF TYPE OF CASE WE HAVE IN MIND, JAZZAR SAID HIS FEE WOULD BE 10 TO 15 PERCENT OF FINAL AWARD. IT IS ALSO GENERAL PRACTICE THAT COURT WOULD INSTRUCT BOUSTANI TO PAY FOR EXPENSES AND THUS CLAIMANT WOULD HAVE REPAYMENT OF SUCH EXPENSES IF CASE WON.
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2. EMBASSY WILL MAINTAIN EXIMBANK POSITION THAT ITS CLAIM IS AGAINST SARG. USEFUL OFFICIAL REMINDER OF THIS POSITION WOULD BE EMBASSY OFFICIAL NOTE RESPONSE TO SYRIAN NOTE RE COURT CASE (DAMASCUS 1525, 4/24/75).

3. WE HAVE NO REASON TO DOUBT LAWYER JAZZAR'S ESTIMATE OF COSTS FOR FILING CLAIM. UPON RECEIPT OF EXIMBANK'S MATERIAL IT INTENDS TO FILE WITH SYRIAN COURT, WE WOULD BE IN BETTER POSITION TO DISCUSS COSTS WITH OTHER LAWYERS AND GOVERNMENT OFFICIALS TO OBTAIN MORE ACCURATE COST FIGURES, AND SO INFORM EXIMBANK PRIOR TO ACTUAL FILING. WE WOULD ALSO ATTEMPT TO AVOID PERCENTAGE BASIS FOR LAWYER'S FEE BASED ON SUCCESSFUL AWARD OF CLAIM AND AIM FOR FIXED LAWYER'S FEE BASED ON FILING OF CASE AND APPEARANCE BEFORE COURT.
MURPHY

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